HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 2591 of 2007

Petitioner : Kamlesh Yadav S/o.-Shri Banwali Yadav, Age-32 years, R/o.- Chhuikhadan, Commercial Complex, Ward No. 10, Chhuikhadan, Post and Tahsil Chhuikhadan, Distt.-Rajnandgaon (C.G.)

Versus

Respondents :
1. State of Chhattisgarh Through the Secretary, Urban Welfare Department, D.K.S. Bhawan, Mantralaya, Raipur (C.G.)
2. The Collector, Rajnandgaon, District Rajnandgaon (C.G.)
3. Chief Municipal Officer, Nagar Panchayat, Chhuikhandan, Post and Tehsil, Chhuikhadan, Distt.- Rajnandgaon (C.G.)

SB: Hon'ble Justice Shri Satish K. Agnihotri

Present: Mr. Anoop Mazumdar, Advocate for the petitioner.
Mr. Vinay Pandey, Panel lawyer for the respondents No. 1 and 2.
Mr. Pankaj Shrivastava, Advocate for the respondent No. 3.

ORDER

(Passed on this 27th day of April, 2007)

1. Learned counsel appearing for the petitioner submits that the petitioner has been in possession of the disputed land, situated in the Commercial Complex, Ward No. 10, Chhuikhadan, District Rajnandgaon for the last 7 years. It is an admitted case that his possession has been recorded an encroacher.

2. Learned counsel appearing for the petitioner seeks limited prayer to the extent of grant of some time so that he can approach an appropriate forum for appropriate relief.

3. Mr. Pankaj Shrivastava, learned counsel appearing for the respondent No. 3 strongly opposes the prayer in respect of land situated in the

Commercial Complex, Ward No. 10, Chhuikhadan on the ground that the construction is in progress for public purpose.

4. Be that as it may, keeping in view the balance of convenience, it is desirable in the interest of justice that no steps be taken for a period of two weeks to demolish any structure, if standing on the Commercial Complex, Ward No. 10, Chhuikhadan.

5. This order for not taking steps for two weeks should not be construed that the petitioner has a, prime facie, case in his favour. The competent court/authority, if an application is made, shall decide the same in accordance with law on its own merits without being influenced by the observation made herein above.

6. With the aforesaid observations and directions, the petition is accordingly disposed of.

Sd/-
Satish K. Agnihotri
Judge

B/-